



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/825,972

04/16/2004

Andrew Michael Allen

291010-00036

8222

3705

7590

06/18/2007

ECKERT SEAMANS CHERIN & MELLOTT

600 GRANT STREET

44TH FLOOR

PITTSBURGH, PA 15219

EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/825,972

Applicant(s)

ALLEN ET AL.

Examiner

Muthuswamy G. Manoharan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 65-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2617

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 65-117 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 65-71,74,75,79-81,83,84,86,87,94-100,103-110,113,114 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen et al. (hereinafter Torvinen) (US 2005/0113123) in view of Fraccaroll (US 2004/0002348).**

Regarding **claim 65**, Torvinen teaches a method of creating and managing a group of mobile stations for a communication session in a communications network, the communication session being one in which users of respective mobile stations communicate with one another, the method comprising:

receiving at least one rule defining a member of the group, the at least one rule defining group members based on criteria the at least one rule being received in association with a group address (Paragraph [0013], lines 8-10; Paragraph [0016], lines 8-13); and

dynamically populating the group with members, the populating comprising: determining mobile stations having respective users that matches the published information criteria of the at least one rule ("wish to form a group with each other for a certain time, purpose and location", Paragraph [0029], lines 7-11); and populating the group with the mobile stations having respective users matches the published information criteria of the at least one rule (Paragraph [0014], lines 9-14). Torvinen did not teach specifically publishing information about one or more particular users of respective mobile stations to the communications network. However, Fraccaroll teaches in an analogous art a method of creating and managing a group of

Art Unit: 2617

mobile stations for a communication session in a communications network publishing information about one or more particular users of respective mobile stations to the communications network (Paragraph [0005]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method of creating and managing a group of mobile stations for a communication session in a communications network publishing information about one or more particular users of respective mobile stations to the communications network. This modification helps the users of the network to respond at their convenience.

Regarding **claim 66**, Torvinen in view of Fraccaroll teaches all the particulars of the claim 65. Torvinen did not teach specifically the method, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations. However, Fraccaroll teaches in an analogous art, the method, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations (Paragraph 0005]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations. This type of method it acts as a filter, since it tries to organize group among subscribers with similar characteristic.

Regarding **claim 67**, Torvinen in view of Fraccaroli teaches all the particulars of the claim 65. Torvinen did not teach specifically the method,

Art Unit: 2617

wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations. However, Fraccaroli teaches in an analogous art, the method, wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations (Paragraph [0005]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations. This type of method it acts as a filter, since it tries to organize group among subscribers with similar characteristic.

Regarding **claim 68**, Torvinen further teaches the method of claim 65, wherein the criteria of the at least one rule comprises location information of respective users of mobile stations (Paragraph [0029], line 5; Paragraph [0016], lines 8-12). The limitation regarding publication is already discussed in claim 65.

Regarding **claim 69**, Torvinen teaches the method of claim 65, wherein the at least one rule is further defined by a group of pre-selected mobile stations from which to define the group ("**qualifying terminals have previously met the group service definitions**", Paragraph [0014]).

Regarding **claim 70**, Torvinen teaches the method of claim 65, wherein the at least one rule further defined by additional criteria comprising location information about mobile stations managed by the communications network, the step of dynamically populating the group further comprising:

Art Unit: 2617

determining if the location information about the one or more particular mobile stations matches the location information criteria of the at least one rule (Paragraph [0016], lines 8-12); and wherein the group is populated with members consisting of mobile stations having respective users and location information that matches the criteria and location information criteria of the at least one rule respectively ("wish to form a group with each other for a certain time, purpose and location", Paragraph [0029], lines 7-11 Paragraph [0014], lines 9-14). The limitation regarding publication is already discussed in claim 65.

Torvinen did not teach specifically published information on the communications network. However, Fraccaroli teaches in an analogous art a method of publishing information on the communications network (Paragraph [0005]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method of publishing information on the communications network. This modification helps the users of the network to respond at their convenience.

Regarding **Claim 71**, Torvinen further teaches the method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers (Figure 3, Paragraph [0050]).

Regarding **Claim 74**, Torvinen teaches the method of claim 65, further comprising sending a notification to each member of the group in response to the populating, the notification identifying the respective mobile station or its user as a member of the group (Paragraph [0014], lines 7-9).

Regarding **claim 75**, Torvinen teaches the method of claim 74, wherein the notification identifying at least some of the other mobile stations or users of respective membership as members of the group (Paragraph [0014], lines 7-9).

Regarding **claim 79**, Trovinen further the method of claim 65, comprising receiving two or more rules defining a member of the group, the two or more rules being received in association with a common group address, the group being dynamically populated with members in accordance with the two or more rules and at least the published information about the one or more particular users on the communications network (Abstract). Published information has been discussed in claim 65.

Regarding **claim 80**, Torvinen further teaches the method of claim 79, wherein one of the two or more rules is defined by criteria comprising location information managed by the communications network, the group being dynamically populated with members in accordance with the two or more rules, published information about one or more particular users on the communications network, and location information about one or more particular mobile stations of the communications network (Abstract). Published information has been discussed in claim 65.

Regarding **Claim 81**, Torvinen teaches the method of claim 65, wherein the step of determining comprises requesting and receiving notification



Art Unit: 2617

of one or more particular mobile stations which match the at least one rule (Paragraph [0063,65]).

Regarding **claim 82**, Torvinen teaches the method of claim 81, wherein the step of determining comprises requesting and receiving notification that no particular mobile stations match the at least one rule (Paragraph [0060], lines 6-9; Paragraph [0071], lines 12-19).

Regarding **claim 83**, Torvinen teaches the method of claim 81, further comprising subscribing to at least one server which provides notification that one or more particular mobile stations match the at least one rule ("notification to qualifying terminals", Paragraph [0064]).

Regarding **claim 84**, Torvinen teaches the method of claim 83, further comprising determining an address for each of the at least one server for subscribing, the address being determined from a resource list of addresses for such servers (Paragraph [0066]).

Regarding **claim 86**, Torvinen teaches, the method of claim 65, further comprising maintaining the group, removing one or more particular mobile stations or users as a member of the group in accordance with the at least one rule (Paragraph [0071])

Regarding **claim 87**, Torvinen teaches the method of claim 86, further comprising receiving notification that one or more particular mobile stations or users no longer matches the at least one rule (Paragraph [0071]).

**Claim 113** is rejected for the same reason as set forth in claim 65.

Art Unit: 2617

**Claim 114** is rejected for the same reason as set forth in claims 65 and 70.

Regarding **claim 115**, Torvinen teaches the method of claim 114, wherein the publishing step comprises publishing an interest in participating in a particular dynamic group or an interest in participating in dynamic groups generally (Paragraph [0057]).

**Claim 116** is rejected for the same reason as set forth in claim 67.

Regarding **claim 117**, Trovinen teaches the method of claim 114, wherein mobile stations are determined from a subset of pre-selected mobile stations or pre-selected users of the mobile stations ("location based group service", "previously met the group service definition", "form a group with each other fro a certain time, purpose and location", Paragraphs [0014,0029]; "location based gaming", "gaming enabled terminals"; Paragraph [0053]).

**Claims 72,73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen et al. (hereinafter Torvinen) (US 2005/0113123) in view of Fraccaroll (US 2004/0002348) and further in view of Amir (WO 01/97539).**

Regarding **claim 72**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format. However, Amir teaches in an analogous art, method of claim 70, wherein the location

Art Unit: 2617

information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format (Page 5, lines 14-20). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format. This modification helps to facilitate the sharing of data across different information systems, particularly systems connected via the Internet.

**Claim 73** is rejected for the same reason as set forth in claim 72.

**Claims 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen et al. (hereinafter Torvinen) (US 2005/0113123) in view of Fraccaroli (US 2004/0002348) and further in view of Griffin et al. (hereinafter Griffin) (US 7072941).**

Regarding **claim 76**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method, wherein the notification excludes anonymous members of the group. However, Griffin teaches in an analogous art wherein the notification excludes anonymous members of the group (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the notification excludes anonymous members of the group in order to have selective notification to only members of the group.

Art Unit: 2617

Regarding **claim 77**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method, further comprising sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group. However, Griffin teaches in an analogous art except the method, further comprising sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, further comprising sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group. This limitation is well known in the art.

Regarding **claim 78**, Torvinen in view of Fraccaroli teaches all the particulars of the claim 65. Torvinen did not teach specifically the published information about the one or more particular users on the communications network, the at least one rule defining capabilities of anonymous members to passively and/or actively participates in the group. However, Fraccaroli teaches in an analogous art, the published information about the one or more particular users on the communications network, and the at least one rule defining capabilities of members to passively and/or actively participates in the group (Paragraph [0005]. Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the published information about the one or more particular users on the communications network, the at least one rule

Art Unit: 2617

defining capabilities of members to passively and/or actively participates in the group. This type of method it acts as a filter, since it tries to organize group among subscribers with similar characteristic.

Neither, Torvinen nor Fraccaroli teaches anonymous members. However, Griffin teaches in an analogous art, anonymous members (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the anonymous members in the group with temporary ID's. This limitation is well known in the art.

**Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Fraccaroli (US 2004/0002348) and further in view of Laiho (US 6097942).**

Regarding **claim 85**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method, further comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating. However, Laiho teaches in an analogous art except the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating (Abstract, lines 24-31; Col. 2, lines 33-41; lines 57-60). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are

determined by said at least one service to hasten the populating. This modification provides an efficient method of managing group communication.

**Claims 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Fraccaroli (US 2004/0002348) and further in view of Chandhok et al. (hereinafter Chandhok) (US 2004/0198376).**

Regarding **claim 86**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group. However, Chandhok teaches in an analogous art, the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group (Paragraph [0022], line 6-7). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group. This modification makes the rule very flexible (dynamic).

**Claims 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen (US 2005/0113123) in view of Fraccaroli (US 2004/0002348) and further in view of Leigh et al. (US 5535426).**

Art Unit: 2617

Regarding **claim 89** Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method further comprising extending a search for mobile stations matching the at least one rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations matching the at least one rule (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the at least one rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 90**, Torvinen in view of Fraccaroli and further in view of Leigh teaches all the particulars of the claim 89. Moreover, neither Torvinen nor Fraccaroli teaches the method of claim, wherein the subscribing to at least one server extends the search to at least one of different domains and networks. However, Leigh teaches in an analogous art, the method of claim, wherein the subscribing to at least one server extends the search to at least one of different domains and networks (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method, wherein the subscribing to at least one server extends the search to at least one of different domains and networks. of extending a search for mobile stations matching the at

Art Unit: 2617

least one rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 91**, Torvinen in view of Fraccaroli teaches all the particulars of the claim 83. Torvinen further teaches one or more of the atleast one server to one or more other such servers (Figure 3; Paragraphs [0050-0052]). Neither Torvinen nor Fraccaroli teaches the method further comprising extending a search for mobile stations matching the pre-defined rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations matching the pre defined rule. (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the predefined rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 92**, Torvinen in view of Fraccaroli and further in view of Leigh teaches all the particulars of the claim 91. Torvinen further teaches a roaming network (Paragraph [0035], lines 8-9). Moreover, neither Torvinen nor Fraccaroli teaches the method, wherein the subscribing to at least one server extends the search for mobile stations to include a home network and a roaming network of a first mobile station. However, Leigh teaches in an analogous art, the method of claim



Art Unit: 2617

44, wherein the subscribing extends the search for mobile stations to include a home network and a roaming network of a first mobile station (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method, wherein the subscribing extends the search for mobile stations to include a home network and a roaming network of a first mobile station. This modification provides a way of talk group participation across multiple sites.

**Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Fraccaroli (US 2004/0002348) and further in view of Requena (US2002/0126701).**

Regarding **claim 93**, Torvinen in view of Fraccaroli teaches all the particulars of claim 65. Torvinen further teaches the method of claim 65, wherein the method comprises: receiving a request from a first mobile station to initiate a group communication with at least one second communication device proximate said first mobile station (Paragraph [0055], lines 5-11; Paragraph [0057], lines 1-8).

Neither Torvinen nor Fraccaroli teaches expressly the method, wherein the group comprises a mayday group and the method comprises: populating the mayday group with particular ones of the mobile stations determined response pre-defined rules for the mayday group (Paragraph [0060], lines 9-21) However, Requena teaches in an analogous art populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for

Art Unit: 2617

the mayday group (Paragraph [0123], line 6). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the method of populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday. This modification enhances the services provided to the mobile stations.

**Claims 94-102** are rejected for the same reason as set forth in **claims 65-73**.

**Claims 103-112** are rejected for the same reason as set forth in **claims 65 and 65-73 respectively**.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER